

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

MARIAH BRYANT

Plaintiff,

v.

PUBLIX SUPER MARKETS, INC. and
ROBERT HENDERSON;

Defendants.

Civil Action No.:

1:20-CV-03916-JPB-CCB

JURY TRIAL DEMANDED

CONSENT MOTION FOR SERVICE OF PROCESS
BY UNITED STATES MARSHAL

Plaintiff Mariah Bryant (“Plaintiff”) hereby moves this Court, pursuant to Rule 4(c)(3) of the Federal Rules of Civil Procedure, for an order directing that service of the Summons and First Amended Complaint be made by the United States Marshal upon Defendant Robert Henderson. In support of this motion, Plaintiff respectfully states as follows:

1. On June 2, 2020, Plaintiff filed her Complaint before the Superior Court of Fulton County Georgia alleging claims under Georgia law. [Doc.1-1]
2. On September 21, 2020, Defendant Publix Super Markets, Inc. filed a

Notice of Removal of Plaintiff's Superior Court Action, asserting that the action is subject to removal pursuant to 28 U.S.C. §§1332, 1441, and 1446. [Doc. 1.]

3. To perfect service on Defendant Robert Henderson, Plaintiff engaged Reginald Walker at Dominion Servers, 270 Cobb Pkwy. S. Ste. 140 #164, Marietta, Ga. 30060. To date, Walker has attempted service at multiple addresses believed to be either Henderson's home or work address, but has thus far been unsuccessful in serving Defendant Henderson. [See Declaration of Ian Smith, Doc. 20-1, ¶ 4.]

4. Based on information obtained during Plaintiff's counsel's investigation of Defendant Henderson, Plaintiff contends Henderson is employed full-time as a Contact Representative with the Internal Revenue Service ("IRS") in the Atlanta Metropolitan Area. [*Id.* ¶ 5.] Defendant Publix Super Markets, Inc.'s investigation shows Henderson resides in Alabama.

5. The IRS has two offices in the metropolitan Atlanta area: (1) 2888 Woodcock Blvd., Atlanta, Georgia 30341 and (2) 401 W. Peachtree St. NW, Atlanta, Georgia 30308. Mr. Henderson may be found at one of these offices. [*Id.* ¶ 6.]

6. Plaintiff's process server has attempted service at both addresses, but his

efforts have thus far been thwarted by security protocols in place at both locations.

[*Id.*]

7. The United States Marshal, or one of his Deputies, would be able to proceed beyond the security barriers and perfect service on Defendant Henderson.

8. “At the plaintiff’s request, the Court may order that service be made by a United States marshal or deputy marshal.” Fed. R. Civ. P. 4(c)(3); *Dunn v. Federal Express*, Civ. Act. No. 1:14-cv-00609-WSD (N.D. Ga. March 14, 2014).

9. Counsel for the Parties have conferred on this Motion and Defendant Publix Super Markets, Inc. consents to the relief requested.

10. Plaintiff will pay the United States Marshal’s usual and customary cost to effect service on Defendant Henderson at one or both of the addresses set forth in paragraph 5, *supra*.

Accordingly, Plaintiff respectfully requests this Court issue an Order directing the United States Marshal to serve the Summons and First Amended Complaint on Defendant Robert Henderson at one or both of the Internal Revenue Service offices in the Metropolitan Atlanta area.

A proposed order and a copy of Summons and First Amended Complaint are attached for the Court’s convenience.

Respectfully submitted, this 18th day of November, 2020.

BARRETT & FARAHANY

s/ Ian E. Smith

Ian E. Smith

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Counsel for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that on this day I filed the foregoing *CONSENT MOTION FOR SERVICE OF PROCESS BY UNITED STATES MARSHAL* with the Clerk of Court using the Court's CM/ECF filing system, which will send electronic notification to all counsel of record.

This 18th day of November, 2020.

s/Ian E. Smith
Ian E. Smith
Georgia Bar No. 661492

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[PROPOSED] ORDER

This matter comes before the Court on the Consent Motion For Service of Process by United States Marshal. Having considered the Motion in its entirety and the finding the premises on which the motion is based proper, the United States Marshal is hereby directed to attempt service of the Summons and First Amended Complaint on Robert Henderson at one or both of the following addresses:

Internal Revenue Service
2888 Woodcock Blvd
Atlanta, Georgia 30341

Internal Revenue Service
401 West Peachtree Street NW
Atlanta, Georgia 30308

SO ORDERED this _____ of November 2020.

CHRISTOPHER C. BLY
MAGISTRATE JUDGE, UNITED STATES
DISTRICT COURT